

STATE OF MICHIGAN
COURT OF APPEALS

GREAT LAKES SOCIETY,

Plaintiff-Appellant,

v

GEORGETOWN CHARTER TOWNSHIP,
GEORGETOWN TOWNSHIP ZONING
ADMINISTRATOR and GEORGETOWN
TOWNSHIP ZONING BOARD OF APPEALS,

Defendants-Appellees.

UNPUBLISHED

April 28, 2011

No. 296370

Ottawa Circuit Court

LC No. 03-045966-AA

GREAT LAKES SOCIETY,

Plaintiff-Appellant,

v

GEORGETOWN CHARTER TOWNSHIP and
GEORGETOWN CHARTER TWP ZONING
BOARD OF APPEALS,

Defendants-Appellees.

No. 296372

Ottawa Circuit Court

LC No. 05-051308-AA

Before: SHAPIRO, P.J., and FITZGERALD and BORRELLO, JJ.

SHAPIRO, J. (*concurring*).

I concur in the affirmance, but write separately to note my view that plaintiff's claims are foreclosed by the holding in this Court's prior opinion in this case. *Great Lakes Society v Georgetown Charter Twp*, 281 Mich App 396; 761 NW2d 371 (2008). In that opinion, we held that the township and the lower court erred in their conclusion that plaintiff was not a church. *Id.* at 417. However, we also held that the denial of plaintiff's special use permit application was proper because (1) the amended ordinance barred the construction; (2) the amended ordinance did not constitute a substantive change in the ordinance, but was instead intended to clarify the ordinance language to accurately reflect what had always been the township's intent; and (3) neither the purpose of the amendment nor the manner in which it was adopted was

discriminatory. *Id.* at 417-422. Given these holdings, plaintiff has no basis to assert that, but for the township's delay in acting on the original SUP application and the township's amendment of the ordinance, it would necessarily have been able to begin construction at the location in question.

/s/ Douglas B. Shapiro